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EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,289

Applicant(s)

MOUHANNA ET AL.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Response to Amendment

This Office Action is in response to a communication made on September 9, 2004.

Claims 5-51 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10, 12-13, 15-17, 20-23, 25-26, 28, 31-34, 36-37, 39-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick (5710884).

Regarding claims 7, 20, and 31, Dedrick discloses a method for a user coupled to a network, the network for providing network services to users and comprising: a centralized data center (CDC) (Column 3, line 40, the regional database server); and a plurality of regional data centers (RDCs) operatively coupled to the CDC (Column 3, lines 38 – 40; the metering system), each RDC being operatively coupled to a plurality of users by way of a communications network (Column 3, lines 37 – 39), each RDC maintaining for each associated user a user profile corresponding to the user (Column 2, lines 16 – 29; Column 4, lines 4 – 8), the method comprising: contacting the RDC; requesting from the RDC a list of servers to use for services provided by the network for the user; and receiving the list of servers, wherein the list of servers is obtained from the user profile for the user (Column 8, line 53 – Column 9, line 2; Column 9, lines 29 – 46)

and comprises a list of corresponding network addresses (Column 9, lines 29 – 46, where the server returns titles and thus links to the electronic content that the user can use to choose and locate the information, thus a way to get the address to the content; Column 4, lines 34 – 36).

Regarding claim 8, 21, and 32, Dedrick discloses that upon receiving the list of servers, employing such list to connect to appropriate servers for network services subscribed to by the user (Column 9, lines 29 – 46; Column 9, line 66 – Column 10, line 7; where the list allows users to subscriber to choose which electronic content/service he wishes to purchase).

Regarding claims 9, 22, and 33, Dedrick discloses that upon receiving the list of servers, displaying corresponding service icons on an associated user display (Column 9, lines 42 – 46; where the system displays the list to the user giving him interactive options, thus icons).

Regarding claims 10, 23, and 34, Dedrick discloses that the network comprises a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), the method comprising, upon the user selecting a displayed icon: contacting the RDC to obtain a corresponding service; downloading the service from the

associated LDC to an associated user machine; and installing the service on the machine (Column 9, lines 43 – 56).

Regarding claims 12, 25, and 36, Dedrick discloses that the network comprises a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), the method comprising, upon the user selecting a displayed icon: contacting the RDC to determine whether the user is in fact subscribed to the service; and if so, proceeding with a corresponding service (Column 10, lines 36 – 46).

Regarding claims 13, 26, and 37, Dedrick discloses that a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), the method comprising, upon the user selecting a service corresponding to a server: contacting the RDC to obtain the service; downloading the service from the

associated LDC to an associated user machine; and installing the service on the machine (Column 9, lines 43 – 56).

Regarding claims 15, 28, and 31, Dedrick discloses that the network comprises a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), the method comprising, upon the user selecting a service corresponding to a server: contacting the RDC to determine whether the user is in fact subscribed to the service; and if so, proceeding with a corresponding service (Column 10, lines 36 – 46).

Regarding claim 16, Dedrick discloses a method in combination with a network for providing network services to users, the network comprising: a centralized data center (CDC) (Column 3, line 40, the regional database server); a plurality of regional data centers (RDCs) operatively coupled to the CDC (Column 3, lines 38 – 40; the metering system), each RDC being operatively coupled to a plurality of users by way of a communications network (Column 3, lines 37 – 39), each RDC maintaining for each associated user a user profile corresponding to the user (Column 2, lines 16 – 29; Column 4, lines 4 – 8), the method for distributing a user-based product from a vendor, the product being available for purchase by each user and installation on an associated

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user machine (Column 4, lines 56 – 67; Column 17, lines 34 – 38), the method comprising: receiving the product from the vendor at an RDC; pushing the product by the RDC to the CDC; propagating the product by the CDC to all of the RDCs (Column 4, lines 24 – 34; Column 17, lines 60 – 67); advertising the product by each RDC to at least some associated users (Column 17, lines 48 – 59), whereby a user interested in the advertised product contacts the vendor to purchase the product therefrom and receives an authorization from the vendor in response thereto; receiving the authorization from the user at the associated RDC; downloading the product by the associated RDC to the user for installation on the associated user machine (Column 18, lines 32 – 55; Column 17, lines 65 – 67); and updating the user profile for the user by the RDC to reflect the installation (Column 7, lines 28 – 39).

Regarding claims 17, Dedrick discloses that a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), the method comprising: receiving the product from the vendor at an LDC; pushing the product by the LDC to the associated RDC; pushing the product by the RDC to the CDC; propagating the product by the CDC to all of the RDCs; propagating the product by each RDC to all of the associated LDCs (Column 4, lines 24 – 34; Column 17, lines

60 – 67); advertising the product by each LDC to at least some associated users (Column 17, lines 48 – 59), whereby a user interested in the advertised product contacts the vendor to purchase the product therefrom and receives an authorization from the vendor in response thereto; receiving the authorization from the user at the associated LDC; downloading the product by the associated LDC to the user for installation on the associated user machine; notifying the associated RDC by the LDC of the installation of the product on the associated user machine (Column 18, lines 32 – 55; Column 17, lines 65 – 67; Column 11, lines 56 – 64); and updating the user profile for the user by the RDC to reflect the installation (Column 7, lines 28 – 39).

Regarding claims 40 and 46, Dedrick discloses a method in combination with a network for implementing a network-based computing environment, the network comprising: a centralized data center (CDC) (Column 3, line 40, the regional database server); a plurality of regional data centers (RDCs) operatively coupled to the CDC (Column 3, lines 38 – 40; the metering system), each RDC being operatively coupled to a plurality of clients by way of a communications network (Column 3, lines 37 – 39), the method for an application to implement an action at a first network location, the application being at a second network location and coupled to an RDC thereat, the method comprising: determining over the network what clients are available at the first location and coupled to an RDC thereat (Column 3, lines 37 – 39), each available client having capabilities (Column 7, lines 9 – 27); determining over the network what capabilities each available client at the first location has (Column 7, lines 28 – 39); selecting an available client at the first location having a capability required for the

action to be implemented at the first location; and issuing a command over the network to the selected client to perform at least a portion of the action (Column 6, lines 59 – 67), wherein the issued command is received over the network from the application by the selected client and the selected client performs at least a portion of the action in accordance with the received command (Column 7, lines 9 – 27).

Regarding claims 41 and 47, Dedrick discloses that each client at the first location is coupled to the RDC thereat by way of a gateway having information on each client at the first location, and wherein determining what clients are available at the first location comprises obtaining the information on each client at the first location from the gateway (Column 5, line 52 – Column 6, line 10).

Regarding claims 42 and 48, Dedrick discloses that the gateway has information on what capabilities each available client at the first location has, and wherein determining what capabilities each available client at the first location has comprises allowing the application to obtain the information on the capabilities of each client at the first location from the gateway (Column 6, lines 1 – 21).

Regarding claims 43 and 49, Dedrick discloses issuing a command over the network comprises issuing a command to the selected client to input information from one of the application, another client on the network at one of the first location and a third location, and an external non-network source (Column 4, line 4 – 14).

Regarding claims 44 and 50, Dedrick discloses issuing a command over the network comprises issuing a command to the selected client to output information to

one of the application, another client on the network at one of the first location and a third location, and an external non-network destination (Column 8, lines 32 – 52).

Regarding claims 45 and 51, Dedrick discloses that the network comprises a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of clients by way of a communications network (Column 14, lines 19 – 37), the method for an application to implement an action at a first network location, the application being at a second network location and coupled to one of an RDC and an LDC thereat, the method comprising: determining over the network what clients are available at the first location and coupled to an LDC thereat, each available client having capabilities (Column 8, lines 1 – 12); determining over the network what capabilities each available client at the first location has; selecting an available client at the first location having a capability required for the action to be implemented at the first location (Column 7, lines 9 – 39); and issuing a command over the network to the selected client to perform at least a portion of the action, wherein the issued command is received over the network from the application by the selected client and the selected client performs at least a portion of the action in accordance with the received command (Column 8, lines 13 – 22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 18-19, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Dancs (6108789).

Regarding claims 5, 18, and 29, Dedrick discloses a method for a user to newly couple to a network, the network for providing network services to users and comprising: a centralized data center (CDC) (Column 3, line 40, the regional database server); and a plurality of regional data centers (RDCs) operatively coupled to the CDC (Column 3, lines 38 – 40; the metering system), each RDC being operatively coupled to a plurality of users by way of a communications network (Column 3, lines 37 – 39), each RDC maintaining for each associated user a user profile corresponding to the user (Column 2, lines 16 – 29; Column 4, lines 4 – 8), each user having a physical location and each RDC having a physical location (Column 3, lines 36 – 43), but Dedrick does not explicitly indicate receiving a network address of the CDC; contacting the CDC at the network address thereof; requesting from the CDC a network address of an RDC based at least in part on the location of the user; and receiving a network address of an RDC from the CDC, the location of the RDC of the received network address expected to be relatively close to the location of the user as compared with the location of all other RDCs. Logan teaches the method of receiving a network address of the CDC; contacting the CDC at the network address thereof (Column 3, lines 8 – 13; Column 4, lines 47 – 49); requesting from the CDC a network address of an RDC based at least in part on the location of the user (Column 4, lines 50 – 67); and receiving a network

address of an RDC from the CDC, the location of the RDC of the received network address expected to be relatively close to the location of the user as compared with the location of all other RDCs (Column 4, lines 50 – 67). It would have been obvious to one of ordinary skill in the art at the time the location was made to use Logan's teachings of identifying geographically local servers in Dedrick's distributed server system in order to allow the client's in Dedrick's server to find metering servers closest to their location to obtain optimum performance from the system (Column 1, lines 28 – 53).

Regarding claims 6, 19, and 30, the combination of Dedrick and Logan discloses re-contacting the CDC at the network address thereof only if the RDC cannot be found by the user at the network address thereof (Logan, Column 5, lines 38 – 59).

Claims 11, 14, 24, 27, 35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Cheng (6151643).

Regarding claims 11, 14, 24, 27, 35, and 38, Dedrick discloses that the network comprises a plurality of regional data centers (RDCs) operatively coupled to the CDC, and a plurality of local data centers (LDCs), each LDC being associated with a particular RDC and being operatively coupled to such particular RDC, each LDC being operatively coupled to a plurality of users by way of a broad-band communications network such that each user is associated with the particular RDC of the LDC and such that the particular RDC maintains for each associated user a user profile corresponding to the user (Column 14, lines 19 – 37), but Dedrick does not explicitly indicate contacting the RDC to determine whether a corresponding service as installed on an associated user machine needs to be updated; and if so, downloading an update for the service from the

associated LDC; and installing the update on the machine. Cheng teaches a distributed system that uses user profiles to discover user with installed service/software (Column 3, lines 13 – 24; Column 13, lines 48 – 63; Column 22, lines 29 – 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made that using Cheng's teaching of user system profiles and distributed servers could improve Dedrick's system to allow for updates to materials located on the clients computer (Column 1, lines 16 – 32; lines 43 – 55; Column 2, lines 11 – 24).

Response to Arguments

Applicant's arguments filed September 9, 2004 have been fully considered but they are not persuasive.

Regarding the argument to claim 7, the applicant argues that the reference, Dedrick does not disclose a list of servers to use for service provider. The examiner disagrees in Column 8, lines 53 – 58, Dedrick discloses that the user is provided with an agent which can search various yellow page servers. So the user is sent this agent that can find the servers with the services on there, thus a list of the servers.

Regarding the argument to claim 16, the applicant argues that the reference, Dedrick, does not propagate any products upstream and downstream. The examiner disagrees, in Column 4, lines 24 – 34, Dedrick discloses a vender, the publisher/advertiser, that provides electronic information to a RDC or metering server. In Column 17, lines 60 – 67, the electronic information is downloaded to all metering servers and for the electronic information to get from the metering server or regional server, where the vender presented it, then go to the clearing house server, which is

then presented to all metering servers, the information must have traveled upstream at one point in time.

Regarding the argument to claim 40, the applicant argues that the reference, Dedrick, does not disclose an application access and command a client at another location by determining client and capabilities over the system, selecting an available client having a capability required for the action to be implemented at the first location, and issuing a command over the network to the selected client to perform at least a portion of an action. The examiner disagrees, in Column 7, lines 29 – 39, Dedrick discloses determining user preferences and capabilities and creating a user profile, for a user at a location over the system. Dedrick also discloses selecting an available client having a capability required for the action to be implemented at the first location in Column 4, lines 56 – 67, where the abilities of the action is selected and a client is chosen based on the user profile and capabilities in Column 5, lines 46 – 51 and Column 7, lines 9 – 27. Then the commands and actions are sent to the selected client as seen in Column 8, lines 32 – 52.

Regarding the argument to claim 5, the applicant argues that the combination of Dedrick and Logan does not indicate “a user specifically request from a CDC a network address of an RDC and then contacts the RDC by way of such network address. The examiner disagrees, the reference Dedrick discloses the CDC’s and RDC’s, but doesn’t go into having the network addresses and how they have been obtained. When Dedrick is combined with the teaching of Logan, Logan teaches that a system can find the network address of a server that is more regional, like the RDC, when you connect to a

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more main server, in Logan's teaching that main server, like the CDC, and that server sends the user to another more regional site by informing them of the network address of that regional server (Column 3, lines 8 – 13; Column 4, lines 47 – 67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
December 10, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER